IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 7100 of 2006(T)

EP.57/2004 IN OS.8257/2000 of SUB COURT,KOTTARAKKARA

.....

PETITIONER/JUDGEMENT DEBTOR:

BABY.T,
S/O.THOMAS, AGED 53 YEARS,
HILL PRODUCE DEALER, VALAKOM,
NOW RESIDING AT KODIYATHU VEETTIL,
VALAKOM MURI, VALAKOM VILLAGE.

BY ADV. SRI.ALEXANDER GEORGE
SRI.DILIP MOHAN

RESPONDENT/DECREE HOLDER:

M/S.SAMI LABS LTD.,
NO.19/1 AND 19/2, I MAIN,
II PHASE, PEENYA INDUSTRIAL AREA,
BANGALORE-560058 REP.
BY ITS DIRECTOR, C.A.ANZAR.

BY ADV. SRI.P.R.MILTON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 7100 of 2006 T

JUDGMENT

Counsel for the petitioner is absent and there is no representation on his behalf, despite the fact that on 27.3.2007, counsel for the petitioner requested for posting of the case to this day and it was, accordingly, that the case was posted to this day.

2. On a perusal of the records, it is seen that the grievance of the petitioner, who is the judgment debtor in E.P.No.57/04, is that in execution of the decree passed against him in O.S. No.8257/00 on the file of the City Civil Court, Bangalore, pending in execution before the Sub Court, Kottarakkara, warrant is ordered as against him, though he has filed an insolvent petition as I.P.No.1/06 before the Sub Court, Kottarakkara and I.A.No.43/06 is filed therein for staying the execution proceedings. As long as no stay is

ordered in the insolvency petition, there is nothing wrong in the execution court having ordered personal execution against the petitioner/judgment debtor.

This writ petition, in the circumstances, is devoid of merit and is dismissed.

2nd April, 2007 (K.P.Balachandran, Judge)

tkv